

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

JACKSON et al.

Serial No.: 10/688,216

Filed: October 15, 2003

Atty. File No.: 5885-1

For: "AUTOMATED EXCAVATION
MACHINE"

) Group Art Unit: 3672

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) Examiner: SINGH, SUNIL

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) Confirmation No.: 7252

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) AMENDMENT AND RESPONSE AFTER
) NOTICE OF ALLOWANCE

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<p style="text-align: center;">CERTIFICATE OF TRANSMISSION</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED VIA FACSIMILE TO (571) 273-8300 AND VIA THE OFFICE ELECTRONIC FILING SYSTEM IN ACCORDANCE WITH 37 CFR §1.6(a)(4) ON <u>Oct. 7, 2009</u></p> <p style="text-align: right;">SHERIDAN ROSS P.C.</p> <p>BY: <u>E. Terles</u></p>

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the **Notice of Drawing Inconsistency With Specification** mailed September 25, 2009, in connection with the above-identified application, submitted herewith via Facsimile and EFS-Web is an Amendment to the Specification, which includes a reference to Figure 38 in the Brief Description of the Drawings section of the Specification. Applicants submit the amendment contained herein fully addresses the noted inconsistency. Applicants further submit that no new matter has been added to the specification. This response is filed within the one-month shortened statutory period. Applicants therefore believe this response is timely filed and no fees are due. In the event any fees are due, please debit Deposit Account No. 19-1970.